

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	C.A. No. 04-876-GMS
)	
CISCO SYSTEMS, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	
_____)	

**DEFENDANT CISCO SYSTEMS, INC.'S MOTION FOR NEW TRIAL
ON WILLFUL INFRINGEMENT PURSUANT TO RULE 59(a)**

Pursuant to Fed. R. Civ. P. 59(a), Cisco hereby moves for a new trial on the issue of willful infringement. The Court's jury instruction on willful infringement erroneously included nine factors from *Read Corp. v. Portec, Inc.*, 970 F.2d 816, 826-27 (Fed. Cir. 1992) and inclusion of those factors in the jury instruction did not constitute harmless error.¹ For the reasons set forth in the accompanying brief, the Court should grant Cisco's motion for a new trial.

¹ Pursuant to Rule 51(c), Cisco timely raised objections to the Court's jury instruction on willful infringement (*see* D.I. 359 at 2044:9-2056:1).

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May 31, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to Steven J. Balick and John G. Day.

I further certify that I caused copies of the foregoing document to be served on May 31, 2007 upon the following in the manner indicated:

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